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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,514	11/30/1999	KOICHI SATO	P18408	7714

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EXAMINER	
HANNETT, JAMES M	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/450,514	SATO, KOICHI	
	Examiner	Art Unit	
	James M Hannett	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 November 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 3/18/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the thinned pixel data can be, as a non-limiting example only Rm,n, Gm+3,n, Rm+6,n, Gm,n+3, Bm+3,n+3, Gm+6,n+3, Rm,n+6, Gm+3,n+6, Rm+6,n+6 etc. and that the thinned pixel data is not enclosed by the broken lines P3) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It should be noted that the amended limitation added to the claim that the thinned pixel data are spaced from each other, is written broadly and does not include the limitations argued by the applicant. It is viewed by the examiner that the thinned pixel data displayed on the LCD display are spaced from each other because the thinned pixel data consists of the pixels and are in a two-dimensional matrix. The pixels are in different geometric locations. Therefore, the pixels are spaced from each other. Figure 3 of Miyamoto.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1: Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,593,965 Miyamoto.

2: In regards to Claim 10, Miyamoto teaches an image reading device in which pixel data of a first image, formed on an imaging device having an on-chip color filter of a plurality of colors, are point-sequentially read from the imaging device (Column 2, Lines 11-17). And subjected to an interpolation process (Column 4, Lines 12-20) to generate components of the plurality of colors for each of the pixel data to obtain a second image, the image reading device comprising:

A thinning processor (Figure 3 and Column 3, Lines 57-60) that thins out some of the pixel data before the pixel data are subjected to the interpolation process, so that the second image is composed of a smaller number of pixels than the first image. Furthermore, the thinned pixel data displayed on the LCD display is uniformly distributed and spaced from each other because the thinned pixel data consists of the pixels continuing in the uniform pattern as depicted in Figure 3 of Miyamoto. It is viewed by the examiner that the thinned pixel data displayed on the LCD display are spaced from each other because the thinned pixel data consists of the pixels and are in a two-dimensional matrix. The pixels are in different geometric locations. Therefore, the pixels are spaced from each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3: Claims 1-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,593,965 Miyamoto in view of USPN 5,900,623 Tsang et al.

4: As for Claim 1, Miyamoto teaches an image reading device comprising:

An imaging device that has pixels and color filters provided on said imaging device, said color filter having color filter elements of a plurality of colors (Figure 3), said pixels generating an original image data containing pixel data, each of which corresponds to one of said colors which are arranged in a predetermined distribution; A reading processor that reads said pixel data from said imaging device; Column 2, Lines 11-17. A thinning processor that thins out some of said pixel data to generate a thinned image data, colors of which are arranged in said predetermined distribution; Figure 3 and Column 3, Lines 57-60 and An interpolation processor that performs an interpolation process on said thinned image data to generate an interpolated image data for each of said colors; Column 4, Lines 12-20. Furthermore, the thinned pixel data displayed on the LCD display is uniformly distributed and spaced from each other because the thinned pixel data consists of the pixels continuing in the uniform pattern as depicted in Figure 3 of Miyamoto. It is viewed by the examiner that the thinned pixel data displayed on the LCD display are spaced from each other because the thinned pixel data consists of the pixels and are in a two-dimensional matrix. The pixels are in different geometric locations. Therefore, the pixels are spaced from each other.

Miyamoto does not teach an imaging device that has photo-diodes rather states that the imaging device is a CCD image sensor.

Tsang et al depicts in Figure 4 and teaches on Columns 4 and 5, Lines 60-67 and Lines 1-4 the use of an image sensor that uses photo-diodes for generating image data. Tsang et al teaches that it is advantageous to use photo-diodes because they provide superior quantum efficiency.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the photo-diode image sensor array configuration of Tsang et al for the image sensor of Miyamoto in order to provide superior quantum efficiency.

5: In regards to Claim 2, Miyamoto teaches on Column 3, lines 57-63 and depicts in Figure 3 wherein said colors of said original image data are arranged in such a manner that a (m x m) matrix, formed by said plurality of colors, is repeated, and said thinning processor thins out (m x (n-1)) number of pixel data for every (m x n) number of pixel data in a horizontal direction and a vertical direction of an image corresponding to said original image data, wherein each of "m" and "n" is a positive integer greater than 1. The examiner has viewed m = 2 and n = 2, therefore there is a (2x2) matrix which contains two green pixels one red pixel and one blue pixel. And the system thins out 2 pixel data for every 4-pixel data. Miyamoto teaches on Column 5, Lines 59-63 that the ratio for image reduction is not limited to 1:2, and that by changing the number of pixels between neighboring pixel blocks, other corresponding ratios can be used.

However, Miyamoto does not specifically state that the thinning processor thins out 2 pixel data for every 3 pixel data. However, Official Notice is taken that it was well known in the art at the time the invention was made for display screens to be different sizes which would require a thinning process to thin out 2 pixel data for every 3 pixel data, in order to enable a system to display image data on display screens that have less resolution that the image sensor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the system of Miyamoto to use a reduction ratio in which the thinning processor thins out 2 pixel data for every 3 pixel in order to enable the system to display the image data on a display screen that had one third the resolution of the image sensor.

6: As for Claim 3, Miyamoto teaches on Column 3, lines 57-63 and depicts in Figure 3 wherein the colors of the original image data are arranged in such a manner that a (2x2) matrix, formed by said plurality of colors, is repeated, and said thinning processor thins out (2 x (n-1)) = 2 number of pixel data for every (2 x n) = 4 number of pixel data in a horizontal direction and a vertical direction of an image corresponding to the original image data. The examiner has viewed n = 2, therefore there is a (2x2) matrix which contains two green pixels one red pixel and one blue pixel. And the system thins out 2 pixel data for every 4 pixel data.

7: In regards to Claim 4, Miyamoto teaches on Column 5, Lines 59-63 that the ratio for image reduction is not limited to 1:2, and that by changing the number of pixels between neighboring pixel blocks, other corresponding ratios can be used.

However, Miyamoto does not specifically state that the thinning processor thins out 2 pixel data for every 3 pixel data. However, Official Notice is taken that it was well known in the art at the time the invention was made for display screens to be different sizes which would require a thinning process to thin out 2 pixel data for every 3 pixel data, in order to enable a system to display image data on display screens that have less resolution that the image sensor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the system of Miyamoto to use a reduction ratio in which the

thinning processor thins out 2 pixel data for every 3 pixel in order to enable the system to display the image data on a display screen that had one third the resolution of the image sensor.

8: As for Claim 5, Miyamoto teaches on Column 5, Lines 59-63 that the ratio for image reduction is not limited to 1:2, and that by changing the number of pixels between neighboring pixel blocks, other corresponding ratios can be used.

However, Miyamoto does not specifically state that the thinning processor thins out 2 pixel data for every 3 pixel data. However, Official Notice is taken that it was well known in the art at the time the invention was made for display screens to be different sizes which would require a thinning process to thin out 4 pixel data for every 5 pixel data, in order to enable a system to display image data on display screens that have less resolution that the image sensor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the system of Miyamoto to use a reduction ratio in which the thinning processor thins out 4 pixel data for every 5 pixel data in order to enable the system to display the image data on a display screen that had one fifth the resolution of the image sensor.

9: In regards to Claim 6, Miyamoto depicts in Figure 3 that the colors of the color filter elements are arranged in the Bayer arrangement.

10: As for Claim 7, Miyamoto depicts in Figure 3 that the color filter has red filter elements, green filter elements and blue filter elements, and in the (2 x 2) matrix, the green filter elements are positioned on a diagonal line, and the red filter element and the blue filter element are positioned on another diagonal line.

11: In regards to Claim 8, Miyamoto teaches on Column 5, Lines 59-63 that the ratio for image reduction is not limited to 1:2, and that by changing the number of pixels between

neighboring pixel blocks, other corresponding ratios can be used. Therefore, the reduction ratio is set in accordance with which the number of pixel data thinned out by the thinned processor.

12: As for Claim 9, Miyamoto teaches on Column 5, Lines 64-67 a reduced image indicating processor that forms a color image based on the interpolated image data and indicates the color image. Miyamoto teaches that the reduced or thinned image is interpolated and sent to the video memory and is then displayed on an LCD. This is viewed by the examiner as forming a color image based on the interpolated image data and indicates the color image.

13: In regards to Claim 11, Miyamoto depicts in Figure 3 that the colors of the color filter elements are arranged in the Bayer arrangement.

14: As for Claim 12, Miyamoto depicts in Figure 3 that the color filter has red filter elements, green filter elements and blue filter elements, and in the (2 x 2) matrix, the green filter elements are positioned on a diagonal line, and the red filter element and the blue filter element are positioned on another diagonal line.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612

JMH
December 23, 2004

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